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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,788	04/18/2005	Uwe Has	2002P01277WOUS	2239

46726 7590 05/22/2007  
BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER
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PAIK, SANG YEOP

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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05/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/531,788	Applicant(s) HAS, UWE	
	Examiner Sang Y. Paik	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12, 20 and 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 12, 20 and 25-28, "an additional actuation mode" is recited, but it is unclear if such additional actuation mode is the additional actuation mode already recited in the previous claims from which claims 12, 20 and 25-28 depend from. If the "an additional actuation mode" is the same element as recited in the previous claim, it is required that "an additional actuation mode" be amended to -- the additional actuation mode-- to provide proper antecedent basis.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-11, 16, 18, 19, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Garcia et al (US 6,153,837).

Garcia shows the device claimed including at least two cooking points, at least one actuation member (13) such as a toggle switch having a plurality of actuation modes and an addition actuation mode including at least a mode for selecting cooking points by tilting the

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switch from its initial position, a mode for increasing a heating level by turning the switch clockwise, a mode for decreasing a heating level for turning the switch counterclockwise, and a mode for stepwise increase or decrease of temperatures at a selected cooking position through a repeated tilting of the switch. Garcia further shows a sensor (45) for sensing the actuation member of its tilting and rotational movements to activate the selected mode.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 13, 15, 17, 20, 21, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (US 6,153,837) in view of Ito et al (US 4,691,659) or Rayner (US 3,639,705).

Garcia shows the device including the recited actuation element to perform various cooking functional modes, but does not shows the actuation element having a pushbutton for actuating another mode.

Ito or Rayner shows it is well known in the art of an toggle actuation element including the tilting or movement of the element to make a predetermined selected mode and a pushbutton movable along the axis extending through the actuation element to activate another predetermined mode.

In view of Ito or Rayner, it would have been obvious to one of ordinary skill in the art to adapt Garcia with the actuation member with a pushbutton to further incorporate activation of the actuation member to perform another cooking function as desired by the user.

With respect to claims 13 and 21, while Garcia does not show that its toggle switch has the claimed grip area, it would have been obvious to one of ordinary skill in the art to provide its toggle switch with the claimed area or any other area since such would have been dependent upon the cost and aesthetic appearances of the toggle actuation switch, and, also with respect to claims 15 and 17, it would also have been obvious to provide the actuation element to extend within the claimed range to adequately allow the user to use and activate such switch while providing an aesthetic appearance of the switch mounted on the cooking surface.

7. Claims 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (US 6,153,837) in view of Sawyer (US 6,433,777).

Garcia shows the device claimed except the actuation element having a telescopic section.

Sawyer shows an actuation element such as a toggle switch having a telescopic section to allow the user the convenience of having an extended switch when in use.

In view of Sawyer, it would have been obvious to one of ordinary skill in the art to adapt Garcia with the telescopic section to conveniently allow the user the extended switch when in use and to retract the switch as needed.

8. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia in view of Ito or Rayner as applied to claim 26 above, and further in view of Molyneaux (US 2,764,663) or Turner (US 3,064,091).

Garcia in view of Ito or Rayner shows the device claimed except for the pushbutton to activate a parboil surge cooking mode.

Molyneaux and Turner show that it is well known in the art to provide a stove with a rotary switch along with a bush button that allows a stepwise activation of the temperatures including a quick and rapid selections of boiling temperatures.

In view of Molyneaux and Turner, it would have been obvious to one of ordinary skill in the art to adapt Garcia, as modified by Ito or Rayner, with a bush button to activate additional heating temperatures including a parboil surge in order to further achieve a desire cooking process.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues Garcia '837 fails to disclose an additional mode such as to trigger a parboil surge of a selected cooking location. It is noted that the parboil surge of cooking process is taught by the newly applied prior art Molyneaux and Turner references.

It is further noted that Garcia which allows the actuation member capable of making the selection of the cooking points/positions, the heating adjustments including the increasing and decreasing cooking temperatures as well as the stepwise increase or decrease of cooking temperatures at a selected cooking position shows the recited plurality of actuation modes as well as an additional mode that includes varying degrees of the cooking temperature including a parboil surge.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (6:30-3:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Paik

Sang Y Paik  
Primary Examiner  
Art Unit 3742

syp